

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

v.

ROMEO XAVIER PALMER

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CASE NUMBER 6:22-CR-00114-JDK-JDL

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On October 22, 2024, the court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Romeo Xavier Palmer. The government was represented by Lucas Machichek, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Kenneth R. Hawk II, Federal Public Defender.

Defendant originally pled guilty to the offense of Felon in Possession of a Firearm, a Class C felony. This offense carried a statutory maximum imprisonment term of 10 years. The guideline imprisonment range, based on total offense level 12 and criminal history category of III, was 15 to 21 months. On March 9, 2023, U.S. District Judge Jeremy D. Kernodle of the Eastern District of Texas sentenced Defendant to 15 months imprisonment, followed by a 3-year term of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure and substance abuse treatment and testing. On August 14, 2023, Defendant completed his period of imprisonment and began service of the supervision term.

Under the terms of supervised release, Defendant was required to participate in a program of testing and treatment for substance abuse and follow the rules and regulations of that program

until discharged. In its petition, the government alleges that Defendant violated his conditions of supervised release when he failed to report for scheduled drug tests on February 14, 2024, and March 4, 2024.

If the court finds by preponderance of the evidence that Defendant violated conditions of supervision by failing to report for scheduled drug tests, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). Upon finding of a Grade C violation, the court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of III, the guideline imprisonment range for a Grade C violation is 5 to 11 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to the Grade C violation of the conditions of supervision referenced above. In exchange, the government recommended to the court a sentence of 8 months imprisonment with no supervised release to follow.

The court therefore **RECOMMENDS** that Defendant's plea of true be accepted and that he be sentenced to 8 months imprisonment with no supervised release to follow. The court **FURTHER RECOMMENDS** that the place of confinement be FCI Texarkana, Texas. The parties waived their right to objections so this matter shall be immediately presented to the District Judge for consideration.

So ORDERED and SIGNED this 25th day of October, 2024.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE